

EXHIBIT D

To: Mullins, Sandy (GOV)[sandy.mullins@gov.wa.gov]
From: Fellin, Tammy (LNI)
Sent: Tue 3/11/2014 11:52:59 AM
Subject: Fwd: TIME SENSITIVE: Need assistance on ending detention center hunger strike

Sent from my iPhone

Begin forwarded message:

From: "Sharma, Suchi (LNI)" <shav235@LNI.WA.GOV>
Date: March 11, 2014 at 10:57:17 AM PDT
To: "Fellin, Tammy (LNI)" <felu235@LNI.WA.GOV>
Subject: RE: TIME SENSITIVE: Need assistance on ending detention center hunger strike

I agree though that we don't have juris in a federal facility.

From: Sharma, Suchi (LNI)
Sent: Tuesday, March 11, 2014 10:49 AM
To: Fellin, Tammy (LNI)
Subject: RE: TIME SENSITIVE: Need assistance on ending detention center hunger strike

Probably not.

I doubt whether USDOL will assert jurisdiction over wage and hour complaints here. This is because the FLSA is silent on prison labor, and courts have taken different approaches to whether an inmate is owed federal minimum wage. My understanding is that typically, courts end up looking at the employer-employee relationship between the inmate and the defendant.

Here, the complicating factor is that the inmates are in various stages of deportation proceedings. This facility comes under Homeland Security. The work is called "voluntary work" to be paid at \$1 a day. The work policy is [here](#). Their ability to claim FLSA coverage is in itself a question mark.

I can contact Donna Hart at USDOL and confirm if they will accept jurisdiction (likely not). Let me know.

From: Fellin, Tammy (LNI)
Sent: Tuesday, March 11, 2014 10:18 AM
To: Sharma, Suchi (LNI)
Subject: Fwd: TIME SENSITIVE: Need assistance on ending detention center hunger strike

Would you agree?

Sent from my iPhone

Begin forwarded message:

From: "Buchanan, Lynne M (LNI)" <bucm235@LNI.WA.GOV>
Date: March 11, 2014 at 9:03:44 AM PDT

To: "Smith, Elizabeth (LNI)" <SMEL235@LNI.WA.GOV>
Cc: "Sacks, Joel (LNI)" <sacj235@LNI.WA.GOV>, "Fellin, Tammy (LNI)"
<felu235@LNI.WA.GOV>, "Sams, Stephanie (LNI)"
<samm235@LNI.WA.GOV>, "Kaeche, Allison (LNI)"
<KAEA235@LNI.WA.GOV>, "Walck, Chastity (LNI)"
<wach235@LNI.WA.GOV>, "Sharma, Suchi (LNI)"
<shav235@LNI.WA.GOV>, "Richardson, Kristi (LNI)"
<YEAR235@LNI.WA.GOV>

Subject: FW: TIME SENSITIVE: Need assistance on ending detention center hunger strike

Hi Liz,

In response to the question posed by Angelica Chazaro below:

The fact that this is a federal facility, the issue is with the USDOL. Also, inmates are not covered by the minimum wage act; they are not defined as employees. Our law only covers state, county, or municipal correctional institutions employees. Because these are inmates and are in a federal institution, we would have no jurisdiction.

RCW 49.46.010 (3) "Employee" includes any individual employed by an employer but shall not include:

(k) Any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment or rehabilitative institution

Thanks,

Lynne

From: Fellin, Tammy (LNI)

Sent: Tuesday, March 11, 2014 8:33 AM

To: Smith, Elizabeth (LNI); Buchanan, Lynne M (LNI)

Cc: Sacks, Joel (LNI); Sams, Stephanie (LNI); Kaeche, Allison (LNI); Walck, Chastity (LNI);
Sharma, Suchi (LNI); Richardson, Kristi (LNI)

Subject: Fwd: TIME SENSITIVE: Need assistance on ending detention center hunger strike

Liz and Lynne -

Is this an issue that we have jurisdiction over? If you need more info about the facility, we can reach out to Sandy. Please note the sense of urgency.

Tammy

Sent from my iPhone

Begin forwarded message:

From: "Mullins, Sandy (GOV)" <sandy.mullins@gov.wa.gov>

Date: March 11, 2014 at 8:02:17 AM PDT

To: "Fellin, Tammy (LNI)" <felu235@LNI.WA.GOV>

Subject: Fwd: TIME SENSITIVE: Need assistance on ending detention center

hunger strike

Hi Tammy- can you check and see if this is possible? Not sure if L&I has jurisdiction in a federal contract facility.

Thanks

Sandy

Begin forwarded message:

From: "Uy, Stephen (GOV)" <Stephen.Uy@gov.wa.gov>

Date: March 11, 2014 at 7:10:28 AM PDT

To: "Kerins, Aisling (GOV)" <aisling.kerins@gov.wa.gov>, "Mullins, Sandy (GOV)" <sandy.mullins@gov.wa.gov>

Subject: Fwd: TIME SENSITIVE: Need assistance on ending detention center hunger strike

FYI

Begin forwarded message:

From: Angelica Chazaro <achazaro@gmail.com>

Date: March 11, 2014 at 12:11:04 AM PDT

To: <Stephen.Uy@gov.wa.gov>

Subject: TIME SENSITIVE: Need assistance on ending detention center hunger strike

Dear Stephen,

I'm a law professor at UW who is supporting the on-going hunger strike at the Northwest Detention Center in Tacoma, a federal immigration detention facility run by the Geo Group, a private prison company. I got your contact info from my former colleague, Jorge Baron from the Northwest Immigrant Rights Project.

As the strike enters its fifth day tomorrow, we're trying to achieve a swift resolution for the hunger strikers. One of their demands is increased pay for the work they perform in the facility - they currently get paid \$1 a day. We believe the conditions of their work may violate Washington wage and hour laws, and we are asking that Governor Inslee intervene by having L&I begin an investigation into the labor conditions at the privately-run facility. Could Governor Inslee make a commitment to having L&I investigate?

You can reach me by e-mail at achazaro@gmail.com or by phone at [646-496-5724](tel:646-496-5724). Thanks for any help you can provide.

Best, Angelica Chazaro